THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20441 OF 2005

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Dt: 16.09.2005

Between:

Dr. A. Sridhar Reddy

.. Petitioner

AND

N.T.R. University of Health Science, Vijayawada

& another.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20441 OF 2005

ORDER:

The petitioner challenges the election proposed to be held on 21.09.2005, to elect a member for representing N.T.R. University of Health Science in the Dental Council of India. The Dentists Act provides for the constitution of Dental Council. One of the requirements is that one member from each University, which is entitled to award degrees in recognized dental courses, must be elected. Section 3(1)(d) of the

Dentists Act mandates that such members shall be elected by the senate of the University, or where the University does not have a Senate, by the members of the Court, from among the members of the Dental Faculty of the University. Provision is also made to the effect that where there is no independent Dental Faculty, the election can be from the members of the Medical Faculty.

Learned counsel for the petitioner points out that there is no definition of the expression “Dental Faculty” in the laws governing the N.T.R. University of Health Sciences. Drawing analogy from the definition of such faculty in the Rajiv Gandhi University of Health Sciences, he submits that till such a definition is coined, the proposed elections cannot be held.

Learned Standing counsel for the respondents, on the other hand, submits that by its very nature, the Faculty comprises of the teaching staff of a particular department or discipline, as the case may be, and mere absence of a formal definition cannot be treated as a factor for not holding the election.

Election of a member from the Dental or Medical Faculty, as the case may be, from the University, which is competent to award degrees in Dental Science, is a statutory obligation under the Dentists Act. In the Universities, there exist several faculties, depending upon the disciplines in which the education is imparted. For example, in the Universities of ordinary parlance, there would be faculties of Arts, Science, Engineering and Commerce etc. In specialized Universities, such as, Medical or Technological Universities, the Faculties may be of further specialization, such as Dental faculty, Medical faculty in the case of Medical Universities, and Mechanical, Civil, Electrical and Engineering faculties in the case of technological Universities.

In a given University, there may be a clear definition to indicate as to what constitutes a faculty. However, in the absence of such a definition, it cannot be said that the faculty, as such, does not exist. In the ordinary parlance, the term “faculty” connotes the team of teachers irrespective of their designations. At any rate, it

cannot be said that the connotation of the term “faculty” is so uncertain, as to permit the persons unrelated to the subject, to gain an entry into it. If at all anything, the emphasis is only as to specialization and level of teaching. Therefore, it is impossible for a person, not associated with Dental Science or not qualified in that subject, to be treated as member of that Faculty.

In that view of the matter, the writ petition is disposed of observing that the participation in the election, shall be confined only to such of the teaching members of the University, as are holding any qualification in the Dental Science. There shall be no order as to costs.

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16.09.2005

Note:- Issue CC in two days.

B/o.

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